IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 16TH NOVEMBER 2007 / 25TH KARTHIKA 1929

WP(C).No. 32951 of 2007(W)

PETITIONER:

SREEVALLABHAN,
CHAIRMAN & MANAGING DIRECTOR, M/S.L.M.B.INSURANCE BROKERS PVT. LTD., POWER HOUSE ROAD, CHALAI, TRIVANDRUM-695036.

BY ADV. SRI.ANIL NARAYAN
SRI.A.K.PREETA

RESPONDENTS:

---

1. THE ASST.P.F.COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANISATION,
COMMISSIONER, BHAVISHYANIDHI BHAVAN,
THIRUVANANTHAPURAM-4.

2. UNION OF INDIA,
REPRESENTED BY SECRETARY, DEPARTMENT OF LABOUR,
NEW DELHI.

BY SRI.PARAMESWARAN NAIR, ASST. SOLICITOR GENERAL
SMT.T.N.GIRIJA, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C) No. 32951 of 2007

==========

Dated this the 16th day of November, 2007

JUDGMENT

By Ext.P5 order the petitioner was assessed under Section 7A of the Employees Provident Funds and Miscellaneous Provisions Act 1952. Against that order, the petitioner filed Ext.P6 review petition under Section 7B of the Act. Petitioner filed this writ petition alleging that without disposing of the review application, the respondents are initiating coercive recovery proceedings. In the facts and circumstance of the case, the petitioner seeks following reliefs:

> "a) a writ of certiorari or any other appropriate writ, order or direction quashing and setting aside Exhibit P5 orders and the consequential recovery proceedings.
>
> b) Declare that the 1st respondent has violated the principles of natural justice and a fair hearing, and to direct the 1st respondent to hear the 7-B review petition after affording a reasonable opportunity to the petitioner and to pass orders. "

2. I have heard the learned standing counsel appearing for the Provident Fund Organisation. He submits that Ext. P6

review petition has been received on 9.11.07 and it is under processing.

3. I am of the opinion that since the right to file a review petition is a statutory right of the petitioner it would be unjust to proceed with coercive recovery proceedings pursuant to Ext. P5 order before disposing of Ext.P6 review petition. Accordingly, I direct the 1st respondent to consider and pass appropriate orders on Ext.P6 as expeditiously as possible and in the meanwhile to keep in abeyance further coercive proceedings pursuant to Ext.P5.

The writ petition is disposed of as above.

Sd/-
S.SIRI JAGAN,
JUDGE

jp